



RHODE ISLAND STATE POLICE



INTERDEPARTMENTAL COMMUNICATION

January 14, 2011

TO: Colonel Brendan P. Doherty
Superintendent

FROM: Major David S. Neill
Professional Standards Unit

SUBJECT: Annual Analysis of Use of Force Incidents for Calendar-Year 2010

In accordance with Division Policy under General Order 51A entitled "Use of Force," this writer has conducted an analysis of all Use of Force reports furnished to the Professional Standards Unit during calendar year 2010. There were a total of thirty-one (31) reported Use of Force incidents, which this writer has categorized as follows:

<i>Less-than-Lethal Physical Force</i>	17
<i>Physical Force with Oleoresin Capsicum Spray</i>	3
<i>Physical Force with Cas-Baton or other implement</i>	1
<i>Use of Canine</i>	3
<i>Lethal Physical Force (on Person) – Discharge of Firearm</i>	0
<i><u>Discharge of Firearm – Dispatch Severely Injured Animal</u></i>	7
<i>Total</i>	31

DESCRIPTION OF INCIDENTS INVOLVING LESS-THAN-LETHAL PHYSICAL FORCE:

During calendar year 2010, there were twenty-four (24) incidents in which members had to apply the use of *Less-Than-Lethal Physical Force* in order to: (1) Defend oneself, another Division member, or other person(s); (2) Subdue a resisting subject pursuant to arrest; or (3) Effect an arrest(s). Those incidents are described in the following four (4) categories:

Less-than-Lethal Physical Force (Physical Struggle):

Members applied *Less-Than-Lethal Physical Force* (physical struggle) on twenty-four (24) occasions when troopers encountered violent or active physical resistance while attempting to affect lawful arrests for the following reasons:

- | | | |
|----|---|---|
| A. | Subject wanted on outstanding warrant or in commission of felony | 5 |
| B. | Combative subject driving under the influence of alcohol/drugs | 7 |
| C. | Emotionally disturbed and/or intoxicated and/or disorderly subject..... | 8 |
| D. | Resisted arrest for motor vehicle violations after pursuit..... | 4 |

Physical Force with Oleoresin Capsicum Spray:

Members applied *Less-Than-Lethal Physical Force with Oleoresin Capsicum Spray* on three (3) occasions, which occurred when troopers encountered physical resistance when attempting to affect lawful arrests for the following reasons:

- A. The subject attempted to elude the Trooper in his motor vehicle and resisted arrest and was charged with Eluding, Obstruction of Justice, Operating without a License and Resisting Arrest.
- B. While hiding in a closet, the subject refused to relinquish himself to Troopers and was wanted on a State Police affidavit and arrest warrant for Obstructing a Police Officer and Eluding.
- C. The subject was arrested for DUI and placed in the cruiser for transport. The subject began kicking and spitting at Troopers and refused to be compliant.

Physical Force with Cas-Baton or other implement:

A Division member applied *Less-than-Lethal Physical Force* with a Cas-Baton to gain compliance of a subject violently resisting lawful arrest after a brief motor vehicle and foot pursuit.

Physical Force with Canine (K-9):

There were three (3) Use of Force incidents in which a Division-Canine was utilized to apprehend suspects who were actively resisting lawful arrests. These incidents occurred when troopers encountered physical resistance when attempting to affect lawful arrests for the following reasons:

- A. The subject was believed to be in possession of a firearm and was located hiding in a wooded area after injuring a State Trooper by dragging him with his motor vehicle. The subject refused to relinquish himself from hiding and reveal his hands.
- B. The subject fled from a stolen motor vehicle and was hiding beneath a parked vehicle.
- C. The subject eluded police and was reported to be suicidal, intoxicated and in possession of a firearm. The subject resisted arrest and failed to relinquish his hands.

DESCRIPTION OF INCIDENTS INVOLVING LETHAL PHYSICAL FORCE:

During calendar year 2010, there were seven (7) incidents in which members applied the use of *Lethal Physical Force* by discharging their firearm. All seven (7) incidents pertained to wild deer that had been injured by a motor vehicle on a public roadway. In each case, members had no influence or control over when and where wild animals were struck by motor vehicles. In almost every case, the member was dispatched to the scene and was obligated to use Lethal Physical Force to ensure highway safety and / or to end the animal's suffering.

USE OF FORCE BY MONTH:

MONTH	Physical Struggle	Cas-Baton or Implement	Cap-Stun	K-9	Lethal Force (Firearm)
January	1		1	1	
February	1			1	
March	2				
April	3			1	2 (deer)
May	2	1			3 (deer)
June	2				2 (deer)
July	2		2		
August	2				
September	0				
October	1				
November	1				
December	0				
TOTALS:	17	1	3	3	7

Comparison to Previous Years:

TYPE	2010	2009	2008	2007	2006	2005	2004	2003	2002
Physical Struggle	17	13	18	22	20	22	24	18	46
Physical w/ Cap-Stun	3	6	1	7	8	4	2	8	1
Physical w/ CAS Baton (other implement)	1	2	1	1	5	1	0	0	2
Use of Canine	3	6	0	2	2	2	0	1	0
Discharge of Firearm	7	8	7	14	10	20	8	9	4
TOTALS	31	31	27	46	45	48	34	36	53

In calendar year 2010, there were twenty-four (24) incidents in which members had to apply the use of *Less-Than-Lethal Physical Force*. This writer noted that there were no patterns of abuse or non-compliance evident in the aforementioned twenty-four (24) *Use of Force* incidents. This writer's review did not reveal any evidence of training deficiencies or overall departure from Division Policy or accepted practices. Finally, it is worth noting that Division members affected approximately 5,219 arrests in 2010 and only twenty-four (24) or .45% of those arrests resulted in a Use of Force incident being generated.

Respectfully submitted,

David S. Neill
Major
Professional Standards Unit

cc: Accreditation Unit